

## Message Text

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14

ACTION L-03

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

EB-11 INR-10 NSAE-00 RSC-01 FAA-00 DOTE-00 IO-13

PM-07 H-03 NSC-10 PA-03 PRS-01 SPC-03 SS-15 USIA-15

ACDA-19 SY-10 USSS-00 OIC-04 DRC-01 /164 W

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R 130912Z SEP 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC 0730

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

AMCONSUL MONTREAL

USUN NEW YORK 1699

UNCLAS ROME 9552

E.O. 11652 N/A

TAGS: ICATO, ETRN

SUBJ: ICAO AIR SECURITY CONFERENCE: IFALPA STATEMENT

PLS PASS TO: LITTELL/CAB; DRISCOLL/DOT, STEWART/FAA MONTREAL  
FOR US REP ICAO

1. THE FOLLOWING STATEMENT WAS GIVEN TODAY BY JAMES O'GRADY,  
PRESIDENT OF IFALPA: BEGIN TEXT. QTE.

STATEMENT BY CAP. J. O'GRADY, PRESIDENT OF IFALPA, IN THE  
COMMISSION OF THE WHOLE OF THE DIPLOMATIC CONFERENCE ON AIR  
LAW IN ROME 12 SEPTEMBER 1973

WE HAVE BEEN FOLLOWING THE LAST WEEKS OF DEBATE WITH A DEEP  
VESTED INTEREST. THE PROBLEM UNDER DISCUSSION STRIKES AT THE  
VERY HEART OF OUR INDUSTRY AND PROFESSION.

THE DIRECTION THAT DISCUSSIONS HAVE TAKEN ONCE MORE NECESSITATES  
THAT WE RESTATE OUR POSITION: IFALPA HAS BEEN ASSOCIATED WITH  
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ICAO FOR MANY YEARS IN ITS EFFORTS TO MAKE CIVIL AVIATION SAFE

AND EFFICIENT. CONSIDERABLE PROGRESS HAS BEEN ACHIEVED AS EVIDENCED BY THE RAPID EXPANSION OF THE INDUSTRY.

THE HORRENDOUS EVENTS OF RECENT YEARS HAVE SHOWN, HOWEVER, THAT INDIVIDUALS AND, SOMETIMES, STATES HAVE FOUND GAPS IN THE INTERNATIONAL LAWS GOVERNING CIVIL AVIATION. IN THEIR EXPLOITATION OF THESE LOOPHOLES, THESE STATES AND INDIVIDUALS HAVE SHOWN TOTAL DISREGARD FOR OUR MUTUAL EFFORTS AND ACCOMPLISHMENTS AND STRIKE A CRIPPLING BLOW AT THIS ORGANIZATION OF ICAO. WE, OF IFALPA, HAVE NO INTENTION OF PERMITTING SUCH ATTACKS TO GO UNCHALLENGED.

ICAO HAS EXPRESSED ITS CONCERN BUT COULD NOT OR WOULD NOT DO ANY MORE. THE PILOTS OF IFALPA WERE FORCED TO PUBLICLY EXPRESS THEIR INDIGNATION ON 19 JUNE 1972. WE BELIEVE THAT THIS ACTION AND THE WORLDWIDE PUBLIC SUPPORT GIVEN TO IT WAS THE CATALYST WHICH HAS SET THE STAGE FOR THIS DIPLOMATIC CONFERENCE AND EXTRAORDINARY ASSEMBLY OF ICAO.

WHILE WE ACKNOWLEDGE THE NECESSITY FOR PRECISE LEGAL LANGUAGE IN ANY FINAL DOCUMENT, WE ARE VERY DISAPPOINTED THAT THE BASIC PRINCIPLES OF UNIVERSAL REJECTION OF CRIMES AGAINST CIVIL AVIATION HAVE BECOME LIST IN A MAZE OF LEGAL PHRASES, CHARACTERIZING THE SESSIONS UP TILL NOW.

IT IS ALSO EVIDENT THAT SOME STATES REPRESENTED HERE WOULD RATHER DESTROY THE HIGH DEGREE OF EFFECTIVENESS ICAO HAS EXERCISED IN THE FIELD OF AVIATION SAFETY AND EFFICIENCY RATHER THAN SACRIFICE THE SMALLEST PART OF THEIR NATIONAL SOVEREIGNTY.

IT IS WITH RELUCTANCE THAT ONCE AGAIN I MUST FACE THE FACT THAT, WHEN WORDS DO NOT PROVIDE DESPERATELY-NEEDED INTERNATIONAL LAW AND ITS IMPLEMENTATION, ACTIONS MAY HAVE TO PROVIDE THE NECESSARY IMPETUS.

AS PRACTICAL PEOPLE, WE FIND IT DIFFICULT TO UNDERSTAND HOW A STATE CAN LEGITIMATELY PUNISH ITS OWN CITIZENS FOR CRIMES AGAINST ITS LAWS BUT WILL NOT CONSIDER SIMILAR ACTIONS AGAINST MEMBERS IN THE COMMUNITY OF NATIONS. MEANWHILE, LIVES ARE SACRIFICED AND THE VERY STRUCTURE OF INTERNATIONAL CIVIL AVIATION IS UNCLASSIFIED

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THREATENED.

THE PILOTS UNDERSTAND AND APPRECIATE THE COURTESY AND PRIVILEGE ICAO PROVIDES IN PERMITTING IFALPA TO PARTAKE IN YOUR DELIBERATIONS. WE ACKNOWLEDGE THAT YOU GENTLEMEN ARE ALL EXPERTS IN YOUR FIELD BUT ADD THAT YOU ARE DISCUSSING MATTERS OF GRAVE IMPORTANCE IN THE FIELD OF AIR SAFETY, ONE IN WHICH WE HAVE A HIGH DEGREE OF EXPERTISE.

THE SOLUTION, LIKE THE PROBLEM, IS CLEAR. WE MUST HAVE LAWS AND LAWS MUST CARRY PENALTIES. NO AMOUNT OF RETORIC OR LEGALISTIC DIALOGUE CAN ALTER THAT BASIC FACT. THE HAGUE AND MONTEAL CONVENTIONS PROVIDE THE BASIC PRINCIPLES BUT ARE INCOMPLETE WITHOUT ENFORCEMENT. WE HAD ASSUMED THAT WAS THE PURPOSE OF YOUR PRESENCE HERE. WE CONTINUE TO EXPECT YOU TO FULFIL THIS OBLIGATION.

I WILL CONCLUDE MY STATEMENT WITH A RHETORICAL QUESTION:  
QTE HOW CAN YOU EXPECT US TO EXERCISE OUR FINAL RESPONSIBILITIES FOR THE SAFETY OF OUR PASSENGERS WHEN YOU ARE UNABLE TO PROVIDE US WITH THE MOST BASIC LEGISLATION TO ASSIST US?  
UNQTE.

THANK YOU, MR. PRESIDENT. UNQTE. END TEXT

2. PLS PASS ON IMMEDIATELY TO ALPA, JACK BAVIS, EXECUTIVE ADMIN.  
ALSO REQUEST HIM TO SEND COPY TO CAPT. ASHWOOD, IFALPA SECURITY.

3. PLS ALSO INFORM BAVIS THAT BERK AT AMBASSADORI HOTEL INSTEAD OF JOLLY.VOLPE

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## Message Attributes

**Automatic Decaptioning:** X  
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**Current Classification:** UNCLASSIFIED  
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**Control Number:** n/a  
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**Draft Date:** 13 SEP 1973  
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**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
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**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
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**TAGS:** ETRN, ICAO, IFALPA  
**To:** STATE  
**Type:** TE  
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